

A2 to Asanuma et al. (hereinafter Asanuma). The Examiner repeats his underlying rationale, *verbatim*, from the previous Office Action. Applicants respectfully traverse this rejection because the references fail to teach or suggest all the elements as set forth in the claims.

First, Applicants' arguments from the Amendment as filed on October 30, 2003 are still pertinent and, therefore, are incorporated here by reference.

Second, Applicants respond to the Examiner's "Response to Arguments" as set forth on pages 5-7 of the Office Action.

The Examiner asserts that Williams anticipates the claimed mass percentages (as represented by SPP), because he shows values ranging from 100% to 0%. The Examiner is mistaken. In Table IV, Williams shows discrete data points, none of which fall within Applicants' claimed range. On the lower end of the SPP "range", Williams specifically shows 40% and 0%, but nothing in between. Accordingly, Williams cannot "anticipate" Applicants' claimed range of metallocene-catalyst-formed resin in an amount of from 5 mass% to 25 mass%.

Further, in fact, Williams teaches away from the claimed range by teaching high percentages of SPP. And it is improper to modify a reference where the reference teaches away from the suggested modification. See, *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). See also, MPEP § 2145(X)(D)(2).

Specifically, Williams states that his invention includes a "blend of **at least 85% SPP** and up to 15% IPP."¹ Williams goes on to state that the IPP may be present in the blend at "a concentration of 0.1 to 15%, preferably 2 to 8%".² Williams uses a low percentage of IPP because he uses SPP as his starting material, then tries to improve upon its unduly long cycle time by adding IPP, while maintaining the desirably clear nature of the SPP. Williams states that a molding process may achieve "exceptionally high productivity resulting from an unexpected acceleration of the rate of crystallization of pure (i.e., 100%) SPP achieved by blending the SPP with the IPP", wherein the IPP has a short cycle time, i.e. 15 sec. as compared with 320 sec. for

¹ Williams at col. 1, lines 65-67 (emphasis added).

² Williams at col. 3, lines 7-8.

SPP.³ Williams further sets forth that “melted SPP ... crystallizes very slowly, requiring a long hold time in the mold before injection.”⁴ Thus, Williams states that his invention is achieved by “[b]lending of the IPP into the SPP ...” and, more specifically, by “blending **small percentages of IPP** into the SPP ..”⁵ Lastly, as shown by the values in Table IV, Williams teaches that blends with lower percentages of SPP undesirably have increased haze, which is unacceptable for his product which he desires to be clear enough to use without adding a separate clarifying agent to the composition.⁶

In light of the above, the Examiner’s interpretation of Williams is mistaken. The Examiner asserts that although Williams prefers 85% SPP mixture, it also provides motivation for one of ordinary skill in the art to focus on mass percentage of the mixture and, therefore, obtain Applicants’ claimed mass percentages. Applicants completely disagree. Instead, one of ordinary skill in the art focusing on mass percentage according to the teachings of Williams would have been lead away from the lower percentages of SPP. That is, although the Examiner correctly notes that Williams shows haze is affected by mass percent SPP/IPP of the mixture, the Examiner does not look far enough. Not only does Williams show that haze is affected by mass percentage of SPP, he also teaches that haze is adversely affected by lower mass percentages of SPP. Indeed, for the lowest mass percentage (0%) of SPP, the “blend” has the worst haze %. See Table II showing the unacceptably high haze % for various IPP samples, as well as the last entry in Table IV. Thus, according to the general concept of Williams, wherein he blends SPP for its clarity with IPP for its short cycle time, one of ordinary skill would have been lead away from low mass percentages of SPP.

³ Williams at col. 2, lines 1-5 and 46-48, and 54-56. See also, col. 1, lines 25-35, wherein Williams discusses the importance of cycle time.

⁴ Williams at col. 2, lines 42-49.

⁵ Williams at col. 3, lines 25-31, and col. 4, lines 44-49. (emphasis added).

⁶ Williams at col. 2, lines 10-14.

In light of the above, one of ordinary skill in the art—following the teachings of Williams as a whole—would have been taught away from using SPP in an amount of from 5 to 25 mass % as presently claimed.

For at least any of the above reasons, the Examiner's suggested combination of references fails to rendered obvious claims 1 and 3.

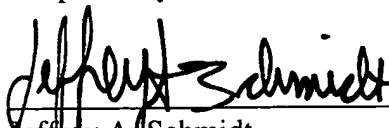
The Examiner rejected claims 4 and 6 under §103(a) as being unpatentable over Morita in view of Williams, Ewen and Asanuma, and further in view of US Patent 6,114,046 to Hanoka. Because this rejection is based on Morita, Williams, Ewen, and Asanuma, Applicants' remarks as set forth above are pertinent here. Further, Hanoka fails to cure the above-noted deficiencies in the Examiner's attempted combination of Morita, Williams, Ewen, and Asanuma. Accordingly, the Examiner's attempted combination of Morita, Williams, Ewen, Asanuma, and Hanoka fails to render obvious claims 4 and 6.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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